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EXAMINER
CHOE, YONG J

ART UNIT	PAPER NUMBER
2185	

NOTIFICATION DATE	DELIVERY MODE
11/17/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/538,658	MIYAZAKI ET AL.
	Examiner	Art Unit	
	YONG CHOE	2185	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 August 2008*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14,16 and 17* is/are pending in the application.
      4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-14,16 and 17* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
      Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
      Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
      a)☒ All   b)☐ Some * c)☐ None of:
         1.☒ Certified copies of the priority documents have been received.
         2.☐ Certified copies of the priority documents have been received in Application No. _____.
         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
      * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
      Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
      Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   The instant application having Application No. 10/538658 has a total of 16 claims

pending in the application. There are 4 independent claims (e.g., claim 1,13,14 and 17)

and 12 dependent claims, all of which are ready for examination by the examiner.

2.   Applicant's arguments, see pages 2-5, filed 08/07/2008, with respect to claims 1-

14, 16 and 17 have been fully considered and are persuasive. The rejection of claims

1-14, 16 and 17 in the previous office action has been withdrawn.   HOWEVER,

Applicant's arguments with respect to claims 1-14, 16 and 17 are moot in view of the

new ground(s) of rejection.

Claim Objections

3.   **Claims 1,13,14 and 17** are objected to because of the following informalities:

The "ID" in claims 1,13,14 and 17 should be spelled out at its first use.

        Appropriate correction is required.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth
> in section 102 of this title, if the differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at the time the invention was
> made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall
> not be negatived by the manner in which the invention was made.

5.   **Claims 1-3,13,14,16 and 17** are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Saito et al. (US Publication No.: US 2001/0018685)** in view of

Hane et al. (US Publication No.: US 2002/0157096) and in further view of **Miller et al.**

(US Publication No.: US 2005/0185055).

Regarding independent claims 1,13,14 and 17, Saito teaches an information

processing apparatus comprising:

grouping means for organizing delivered contents into groups each constituted

by the contents regarding a grouping item including at least one attribute item

representative of a content attribute ([0007], lines 6-15: extraction means for extracting

attribute information from an existing text file; selection means for selecting an important

word from among words contained in the existing text file; acquisition means for

acquiring the associated information related to the important word selected by the

selection means; database construction means for constructing a database by use of at

least one of the attribute information extracted by the extraction means and the

associated information acquired by the acquisition means);

calculating means for calculating frequency of uses of the contents with respect

to each of the group IDs ([0007], lines 15-19: event occurrence detection means for

detecting the occurrence of the event; keyword detection means for detecting a keyword

from the text file corresponding to the event detected by the event occurrence detection

means);

generating means for generating user preference information indicating references of a user based on the use frequency calculated by said calculating means ([0007], lines 19-22: search means for searching the database constructed by the database construction means for the associated information corresponding to the keyword detected by the keyword detection means); and

recommending means for giving content recommendations based on said user preference information generated by said generating means ([0007], lines 22-24: display control means for controlling displaying of the associated information retrieved by the search means).

However, Saito does not specifically teach the contents are given the same group ID for having degrees of similarity higher than a predetermined value.

Hane teaches the contents are given the same group ID for having degrees of similarity higher than a predetermined value ([0017]-[0021]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the program-recommending system as taught by Hane into the information processing of Saito in order to recommend programs more flexibly and precisely to users which are unavailable to users. Therefore, it would have been obvious to combine the program-recommending system as taught by Hane with the information processing of Saito to obtain the invention.

Saito and Hane do not specifically teach said generating means generating user preference information based on a normalized use frequency for each group, said

normalized use frequency normalized based on use frequencies of all contents in each respective group.

Miller teaches said generating means generating user preference information based on a normalized use frequency for each group, said normalized use frequency normalized based on use frequencies of all contents in each respective group ([0037], lines 7-19: the second set of images can be a different scene having the same type of contrast settings as depicted in FIG. 3A. This ensures that the user preference is based on a group of different scenes, rather than on a single particular scene. The different scenes have a range of scene types, including images that help indicate to the user potential artifacts that may occur for settings other than the normal setting, such as highlight clipping artifacts that may occur for the higher than normal contrast setting corresponding to image 222E. After several scenes have been evaluated for contrast, the contrast setting value most often selected by the user is chosen as the preferred contrast setting for the user).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate customizing a digital imaging device using user preference as taught by Miller into the information processing of Saito as modified by Hane so that CPU stores a value indicating the preferred setting for the particular user ([0037], lines 1-7). Therefore, it would have been obvious to combine customizing a digital imaging device using user preference as taught by Miller with the information processing of Saito as modified by Hane to obtain the invention.

Regarding claim 2, Hane teaches wherein the grouping attribute constituted by an attribute item indicating a broadcast time slot ([0025], lines 1-4: The EPG (Electronic Program Guide) data equivalent to an electronic television race card currently performed as data broadcasting by digital satellite multi-channel broadcast as information which shows the content of the television program in a text are used.) and;

Saito teaches the grouping attribute constituted by at least one other attribute item is established for said information processing apparatus; and wherein said grouping means organizes said delivered contents into groups by the established grouping attribute ([0007], lines 10-15: acquisition means for acquiring the associated information related to the important word selected by the selection means; database construction means for constructing a database by use of at least one of the attribute information extracted by the extraction means and the associated information acquired by the acquisition means).

Regarding claim 3, Hane teaches wherein the grouping item constituted by at least an attribute item indicating a broadcast time slot ([0025], lines 1-4: The EPG (Electronic Program Guide) data equivalent to an electronic television race card currently performed as data broadcasting by digital satellite multi-channel broadcast as information which shows the content of the television program in a text are used.) and;

Saito teaches the grouping item formed by other attribute items are established for said information processing apparatus; and wherein said grouping means organizes said delivered contents into groups by each of the established grouping items ([0007], lines 10-15: acquisition means for acquiring the associated information related to the

important word selected by the selection means; database construction means for

constructing a database by use of at least one of the attribute information extracted by

the extraction means and the associated information acquired by the acquisition

means).

Regarding claim 16, Saito teaches wherein said recommending means

recommends content for which the normalized use frequency exceeds a preference

threshold ([0007], lines 6-9: extraction means for extracting attribute information from an

existing text file; selection means for selecting an important word from among words

contained in the existing text file).

6.   **Claims 4-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Saito et al. (US Publication No.: US 2001/0018685) in view of **Hane et al. (US**

Publication No.: US 2002/0157096) and in further view of **Miller et al. (US Publication**

No.: US 2005/0185055) and **Platt (US Patent No.: US 6,987,221).**

Regarding claim 4, Saito teaches wherein said grouping means determines

degrees of similarity between constituent items making up said grouping item based on

results of the analysis. ([0007], lines 4-10: The user profile which shows the program

which a user likes by two or more themes given to the numeric value by each is created.

The theme dictionary in which the keyword was given to each of two or more of said

themes is used. The classification according to theme which gives each of two or more

themes a numeric value is performed about each of two or more programs, and it is

characterized by determining the program recommended from said user profile and the

numeric value of two or more themes given to each of two or more programs).

However, Saito, Hane and Miller do not specifically teach wherein said grouping

means morphologically analyzes constituent items making up said attribute item of said

contents.

Platt teaches wherein said grouping means morphologically analyzes constituent

items making up said attribute item of said contents (col.4, lines 51-54: The weights and

metadata can be utilized by the media analyzer to generate a preference function which

generally indicates desired characteristics of which a playlist should be generated for).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the auto playlist generation as taught by Platt into

the information processing of Saito as modified by Hane and Miller in order to generate

desirable data and remove undesirable data (see abstract). Therefore, it would have

been obvious to combine the auto playlist generation as taught by Platt with the

information processing of Saito as modified by Hane and Miller to obtain the invention.

Regarding claim 5, Platt teaches wherein said generating means does not

utilize the use frequency of the group constituted by the contents failing to meet a

predetermined condition when generating said user preference information (abstract:

The playlist can be regenerated by adding desirable seed items to the playlist and

removing media items from the playlist (e.g., undesirable seed items)).

Regarding claim 6, Platt teaches wherein said recommending means comprises: determining means for determining whether or not said use frequency calculated by said calculating means is higher than a predetermined set value; and setting means for setting a staple flag indicating that the recommended contents have been viewed frequently to said content recommendation information if said use frequency is found higher than said predetermined set value by said determining means (col.4, lines 57-67 and col.5, lines 1-5: The playlist generator 104 receives the preference function from the media analyzer 102 and generates a playlist. The playlist generator 104 also receives metadata for media items in the media collection from the media database 106 in order to generate the playlist. The playlist generator 104 computes a preference for the media items using the preference function and inserts media items having more than a threshold amount of similarity into the playlist. After computing the preferences and inserting the most preferred media items, the playlist is sorted according to the estimated user preference such that most preferred media items are located at the top or early in the playlist and least preferred media items are located at the bottom or at the end of the playlist. Additionally, the desirable seed item(s) are inherently preferable and are generally placed at the beginning or top of the playlist).

Regarding claim 7, Platt teaches wherein said generating means comprises extracting means for acquiring metadata about the contents constituting the groups of which said use frequency calculated by said calculating means is higher than a predetermined set value, said extracting means further extracting vectors representing an amount of characteristics of said metadata; and wherein said generating means

generates said user preference information based on said vectors extracted by said

extracting means (col.4, lines 57-67 and col.5, lines 1-5: The playlist generator 104

receives the preference function from the media analyzer 102 and generates a playlist.

The playlist generator 104 also receives metadata for media items in the media

collection from the media database 106 in order to generate the playlist. The playlist

generator 104 computes a preference for the media items using the preference function

and inserts media items having more than a threshold amount of similarity into the

playlist. After computing the preferences and inserting the most preferred media items,

the playlist is sorted according to the estimated user preference such that most

preferred media items are located at the top or early in the playlist and least preferred

media items are located at the bottom or at the end of the playlist. Additionally, the

desirable seed item(s) are inherently preferable and are generally placed at the

beginning or top of the playlist).

Regarding claim 8, Platt teaches wherein said generating means comprises

staple determining means for determining whether or not the contents constituting the

groups of which said use frequency is found higher than said predetermined set value

correspond to said content recommendation information to which is set a staple flag

indicating that the recommended contents have been viewed frequently (col.4, lines 57-

67 and col.5, lines 1-5: The playlist generator 104 receives the preference function from

the media analyzer 102 and generates a playlist. The playlist generator 104 also

receives metadata for media items in the media collection from the media database 106

in order to generate the playlist. The playlist generator 104 computes a preference for

the media items using the preference function and inserts media items having more

than a threshold amount of similarity into the playlist. After computing the preferences

and inserting the most preferred media items, the playlist is sorted according to the

estimated user preference such that most preferred media items are located at the top

or early in the playlist and least preferred media items are located at the bottom or at

the end of the playlist. Additionally, the desirable seed item(s) are inherently preferable

and are generally placed at the beginning or top of the playlist).; and

wherein, if said staple determining means determines that said contents do not

correspond to said content recommendation information carrying the set staple flag,

then said extracting means acquires the metadata about said contents and extracts

vectors representing an amount of characteristics of said metadata (abstract: The

playlist can be regenerated by adding desirable seed items to the playlist and removing

media items from the playlist (e.g., undesirable seed items))..

Regarding claim 9, Saito teaches wherein said user preference information is

constituted by a plurality of attributes and by values representing degrees of importance

of said attributes ([0007], lines 6-15: extraction means for extracting attribute information

from an existing text file; selection means for selecting an important word from among

words contained in the existing text file; acquisition means for acquiring the associated

information related to the important word selected by the selection means).

Regarding claim 10, Platt teaches wherein said generating means comprises

familiarity setting means for setting degrees of familiarity with said contents based on

the use frequency calculated by said calculating means; and wherein said generating

means assigns weights to degrees of importance of said user preference information

based on said degrees of familiarity (abstract: The playlist can be regenerated by

adding desirable seed items to the playlist and removing media items from the playlist

(e.g., undesirable seed items)).

   Regarding claim 11, Saito teaches wherein said generating means comprises:

searching means for searching for contents of which said use frequency is lower than a

predetermined value on the basis of a history of uses of said contents; and special

preference information generating means for generating special preference information

based on metadata about the contents retrieved by said searching means ([0007], lines

19-22: search means for searching the database constructed by the database

construction means for the associated information corresponding to the keyword

detected by the keyword detection means).

   Regarding claim 12, Saito teaches first extracting means for extracting vectors

representing an amount of characteristics of either said user preference information or

said special preference information ([0007], lines 6-9: extraction means for extracting

attribute information from an existing text file; selection means for selecting an important

word from among words contained in the existing text file);

   second extracting means for acquiring metadata about the contents broadcast in

a predetermined set time slot, and extracting vectors representing an amount of

characteristics of said meta ([0007], lines 9-15: acquisition means for acquiring the

associated information related to the important word selected by the selection means;

database construction means for constructing a database by use of at least one of the

attribute information extracted by the extraction means and the associated information

acquired by the acquisition means); and

calculating means for calculating degrees of similarity between the vectors

extracted by said first extracting means and those extracted by said second extracting

means; wherein said recommending means selects a predetermined set number of the

vectors extracted by said second extracting means, said vectors being selected in

descending order of said degrees of similarity ([0007], lines 15-19: event occurrence

detection means for detecting the occurrence of the event; keyword detection means for

detecting a keyword from the text file corresponding to the event detected by the event

occurrence detection means), said

recommending means further giving content recommendations based on the

metadata about the selected vectors ([0007], lines 22-24: display control means for

controlling displaying of the associated information retrieved by the search means).

Conclusion

7.   Any inquiry concerning this comm1unication should be directed to **Yong Choe** at

telephone number **571-270-1053** or email to **yong.choe@uspto.gov**. The examiner

can normally be reached on M-F 9:30am to 6:00pm. If attempts to reach the examiner

by telephone are unsuccessful, the examiner's supervisor, **Sanjiv Shah** can be reached

on **571-272-4098**. Any inquiry of a general nature or relating to the status of this

application should be directed to the TC 2100 whose telephone number is (571) 272-

2100.

8.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PMR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-irect.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

YC
Yong J. Choe
Examiner / Art Unit 2185

/Sanjiv Shah/

Supervisory Patent Examiner, Art Unit 2185